

ORIGINAL

CARRIE K.S. OKINAGA, 5958
 Corporation Counsel
 DEREK T. MAYESHIRO, 6858
 Deputy Corporation Counsel
 City and County of Honolulu
 530 South King Street, Room 110
 Honolulu, Hawaii 96813
 Telephone: (808) 523-4890
 Facsimile: (808) 523-4583
 e-mail: dmayeshiro@honolulu.gov

FILED IN HAWAII
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

DEC 29 2006
 at 3 o'clock and 08 minutes
 SUE BEITIA, CLERK

Attorneys for Defendant
 CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIC A.)	Civil No. CV04 00428 LEK
POWELL, THROUGH PERSONAL)	
REPRESENTATIVE MARY K.)	DEFENDANT CITY AND COUNTY
POWELL; THE ESTATE OF JAMES)	OF HONOLULU'S MOTION FOR
D. LAUGHLIN, THROUGH)	PARTIAL SUMMARY JUDGMENT;
PERSONAL REPRESENTATIVE)	MEMORANDUM IN SUPPORT OF
RAGINAE C. LAUGHLIN; MARY K.)	MOTION; CERTIFICATE OF
POWELL, INDIVIDUALLY;)	SERVICE
RAGINAE C. LAUGHLIN,)	
INDIVIDUALLY; CHLOE)	
LAUGHLIN, A MINOR, THROUGH)	
HER NEXT FRIEND, RAGINAE C.)	Trial: April 3, 2007
LAUGHLIN,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CITY AND COUNTY OF)	

HONOLULU,)
Defendant.)
)
and)
)
CITY AND COUNTY OF)
HONOLULU,)
)
Third-Party Plaintiff,)
)
vs)
)
UNIVERSITY OF HAWAII, a body)
corporate; JOHN DOES 1-10, JANE)
DOES 1-10, DOE)
CORPORATIONS and DOE)
ENTITIES,)
)
Third-Party Defendants.)
)

**DEFENDANT CITY AND COUNTY OF HONOLULU'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant, City and County of Honolulu, by and though its attorneys, Carrie K.S. Okinaga, Corporation Counsel, and Derek T. Mayeshiro, Deputy Corporation Counsel, moves this Honorable Court for an Order granting its partial summary judgment for all the claims alleged in Plaintiffs' Complaint filed July 16, 2004.

This Motion is made pursuant to Rules 7 and 56 of the *Federal Rules of Civil Procedure*, LR 7.1, *Local Rules of Practice for the United States*

District Court for the District of Hawai'i, and is based upon the accompanying memorandum in support of motion, the Declaration of Derek T. Mayeshiro and Exhibits "A-D, F,G" Declaration of Ralph Goto and Exhibit "E", the Declaration of Alan Hong, attached to Defendant City and County of Honolulu's Separate and Concise Statement of Facts in Support of Motion for Partial Summary Judgment, and the records and files herein.

DATED: Honolulu, Hawaii, December 29, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By:


DEREK T. MAYESHIRO
Deputy Corporation Counsel
Attorney for Defendant
CITY AND COUNTY OF HONOLULU